

**FILED**

**FEB 21 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

VIOLET KHANANIA,

Plaintiff - Appellant,

v.

MICHAEL CHERTOFF, SECRETARY  
OF THE DEPARTMENT OF  
HOMELAND SECURITY,

Defendant - Appellee.

No. 05-15217

D.C. No. CV-03-05500-CRB

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Northern District of California  
Charles R. Breyer, District Judge, Presiding

Submitted February 13, 2006<sup>\*\*</sup>

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Violet Khanania appeals pro se from the the district court's summary  
judgment in favor of the Secretary of the Department of Homeland Security, in

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<sup>\*</sup> This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

Khanania's action under the Equal Pay Act. We have jurisdiction under 28 U.S.C. § 1291. We review a grant of summary judgment de novo, *Stanley v. Univ. of S. Cal.*, 178 F.3d 1069, 1075 (9th Cir. 1999), and we affirm.

The district court properly concluded that Khanania's employer rebutted Khanania's prima facie case by presenting evidence that the differential between Khanania and her comparators was based on "markedly disparate levels of experience and qualifications." *Id.*

Khanania's motion served on June 1, 2005, is denied.

**AFFIRMED**